

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,

CASE NO. CR17-0246-JCC

10 Plaintiff,

ORDER

11 v.

12 JULIO CESAR FIERRO VALENZUELA,

13 Defendant.
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15 This matter comes before the Court on Plaintiff's and Third-Party Claimant's stipulated
16 motion to settle Randolph J. St. Clair's third-party claim to a firearm forfeited by Defendant in
17 this case (Dkt. No. 44). Having thoroughly considered the parties' stipulation and the relevant
18 record, the Court hereby GRANTS the motion.

19 The United States and Mr. St. Clair HEREBY STIPULATE to the following facts:

20 1. The Drug Enforcement Administration (DEA) has investigated Mr. St. Clair's
21 asserted interest. The DEA has confirmed Mr. St. Clair purchased the pistol in 2008 from a
22 sporting goods store in Gresham, Oregon. A police report filed with the Seattle Police
23 Department reflects that the pistol was stolen from Mr. St. Clair's locked car on July 30, 2017.
24 The DEA has also confirmed that Mr. St. Clair has no identifiable criminal history that precludes
25 him from possessing the pistol.

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1 2. Mr. St. Clair affirms that the investigative information reflected in Paragraph 1 is
2 true and correct. He also affirms that no one living in his residence is prohibited from possessing
3 a firearm.

4 3. Based on the investigative information reflected in Paragraph 1 and Mr. St.
5 Clair's affirmation in Paragraph 2, the United States agrees that Mr. St. Clair had a vested
6 interest in the pistol, as recognized in 21 U.S.C. § 853(n)(6)(A), before Defendant in this case
7 possessed it.

8 4. The United States recognizes Mr. St. Clair's vested interest and agrees it will
9 return the pistol to him when the criminal proceedings in this case, including any criminal
10 appeal, are completed. The seizing agency, the DEA, will effect the return of the pistol to Mr. St.
11 Clair.

12 5. Mr. St. Clair understands that the pistol constitutes evidence in this case and
13 cannot be returned before these criminal proceedings, including any criminal appeal, are
14 completed.

15 6. Mr. St. Clair understands and agrees that the pistol will be returned to him in its
16 current condition, as it was seized from the Defendant in this case.

17 7. Mr. St. Clair understands and agrees that this stipulation fully and finally resolves
18 his claim to the pistol. Mr. St. Clair waives any right to further litigate or pursue his claim, in this
19 or any other proceeding, judicial or administrative.

20 8. Upon return of the pistol, Mr. St. Clair agrees to release and hold harmless the
21 United States and any involved state or local law enforcement agencies, their agents,
22 representatives, and/or employees, from any and all claims he may possess, or that could arise,
23 based on the seizure, detention, and return of the pistol.

24 9. The United States and Mr. St. Clair agree they will each bear their own costs and
25 attorney fees associated with the seizure, detention, and return of the pistol, as well as Mr. St.
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1 Clair's claim and this stipulation. Mr. St. Clair expressly waives any right to seek attorney fees
2 pursuant to 28 U.S.C. § 2465.

3 10. Mr. St. Clair understands that, after this stipulation is filed, the United States will
4 be moving to finally forfeit the additional firearms forfeited by the Defendant in this case, to
5 which Mr. St. Clair has made no claim.

6 11. In light of this stipulation, the United States and Mr. St. Clair agree that the Court
7 may strike the scheduling deadlines, including the hearing date, set in the minute order it entered
8 on June 8, 2018 (Dkt. No. 43).

9 12. The United States and Mr. St. Clair agree that the terms of this stipulation are
10 subject to review and approval by the Court, as provided in the proposed order. A violation of
11 any term or condition of this stipulation shall be construed to be a violation of this Court's order.

12 Respectfully submitted,

13 ANNETTE L. HAYES
14 United States Attorney

15 DATED: 9/19/18

/s Michelle Jensen

16 MICHELLE JENSEN
17 Assistant United States Attorney
18 700 Stewart Street, Suite 5220
19 Seattle, WA 98101
(206) 553-2242
Michelle.Jensen@usdoj.gov

20 DATED: 9/19/18

/s Randolph J. St. Clair*

21 RANDOLPH J. ST. CLAIR
22 Third-Party Claimant
23 410 NE 71st Avenue
24 Portland, OR 97213
25 *authority to e-sign provided via telephone
26 on 9/19/18

1 The Court has reviewed the above stipulation between the United States and third-party
2 claimant Randolph J. St. Clair, which settles the interest Mr. St. Clair has asserted in the .45
3 caliber Glock pistol bearing serial number LCA477 (Dkt. No. 40), which has already been
4 forfeited by Defendant in this case (Dkt. No. 38). The Court hereby GRANTS the stipulated
5 motion (Dkt. No. 44). The Court STRIKES the scheduling dates set in the Court's June 8, 2018
6 minute order (Dkt. No. 43).

7 DATED this 24th day of September 2018.

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11 John C. Coughenour
12 UNITED STATES DISTRICT JUDGE
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